



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/193,564	11/17/1998	JAY PAUL DRUMMOND	D1077+6	2181
28995	7590	01/14/2009		
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			EXAMINER ELISCA, PIERRE E	
			ART UNIT 3621	PAPER NUMBER
			MAIL DATE 01/14/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAY PAUL DRUMMOND, DALE BLACKSON,
BOB A. CICHON, JOSEPH C. ESS, MARK A. MOALES,
DAVID W. WEIS, MARK D. SMITH, and JAMES CHURCH

Appeal 2008-1626
Application 09/193,564
Technology Center 3600

Decided: January 14, 2009

Before JOSEPH F. RUGGIERO, LANCE LEONARD BARRY, and
HOWARD B. BLANKENSHIP, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

STATEMENT OF THE CASE

A Patent Examiner rejected claims 1-20; the Appellants appealed therefrom under 35 U.S.C. § 134(a); and we affirmed in part. The Appellants now request rehearing.

ISSUE

The Appellants argue "that the summary presented in the 'Order' section of the Decision (on page 14, at paragraph heading IX) includes typographical errors." (Req. Reh'g 2.) "Clarification of the record to provide certainty that the rejections of claims 3, 8, 10, 12- 13, and 17-20 were reversed in the Decision is respectfully requested by Appellants." (*Id.*) Therefore, the issue is whether the Appellants have shown with particularity points believed to have been misapprehended or overlooked by the Board.

LAW

An "Appellant may file a single request for rehearing within two months of the date of the original decision of the Board." 37 C.F.R. § 41.52(a)(1)(2008). "The request for rehearing must state with particularity the points believed to have been misapprehended or overlooked by the Board." *Id.*

FINDINGS OF FACT

The following findings of fact are supported by a preponderance of the evidence.

1. The Examiner rejected claims 17-20 *inter alia* under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,706,442 ("Anderson").
2. Claim 17 recites in pertinent part the following limitations: "loading data corresponding to the operating data in a memory of the automated

transaction machine; and . . . operating the at least one transaction function device of the automated transaction machine responsive to the operating data."

3. The Board found that "the Examiner has not shown that Anderson operates at least one transaction function device of the automated transaction machine responsive to data loaded into the automated transaction machine's memory." *Ex parte Drummond*, Appeal No. 2008-1626, 11 (BPAI August 18, 2008).

ANALYSIS

Because the Examiner had not shown that Anderson operates at least one transaction function device of the automated transaction machine responsive to data loaded into the automated transaction machine's memory, we reverse the rejection of claim 17 and of claims 18-20, which depend therefrom. The inclusion of claims 17-20 in the statement that "[i]n summary, the rejections of claims 1, 2, 4-7, 9, 11, and 14-20 are affirmed" *Drummond*, at 15, is inconsistent with our reversal.

CONCLUSION

Based on the aforementioned facts and analysis, we conclude that the Appellants have shown with particularity points believed to have been misapprehended or overlooked by the Board.

ORDER

We reverse the rejection of claim 3, 8, 10, 12, 13, and 17-20.
The "Order" section of our original opinion is amended to read as follows.
"In summary, the rejections of claims 1, 2, 4-7, 9, 11, and 14-16 are affirmed.
The rejection of claims 3, 8, 10, 12, 13, and 17-20, however, is reversed."

No time for taking any action connected with this appeal may be
extended under 37 C.F.R. § 1.136(a)(1)(iv).

GRANTED

msc

RALPH E. JOCKE
WALKER & JOCKE LPA
231 SOUTH BROADWAY
MEDINA OH 44256